

Application Serial No.: 09/720,523  
Reply to Office Action dated January 17, 2006

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets, which include Figs. 1 and 2, replace the original sheet including Figs. 1 and 2.

Attachment: Replacement Sheets

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 21-38 are presently active in this case. Claims 21, 22, 24, 26-31, 34, and 36-38 have been withdrawn from consideration.

In the Notice of Draftsperson's Patent Drawing Review, the drawings were objected to for minor informalities. Submitted concurrently herewith are Replacement Sheets that include changes to Figures 1 and 2 to address the objections.

In response to the response to the election traverse, the Applicant submits that a mere listing of groups of species does not satisfy the burden to establish distinctness. Furthermore, regarding the serious burden, the Applicant notes that the only difference between Group 1A and Group 1B is the defined product, and that the product defined in Claim 34 is encompassed within the scope of Claim 33 (Claim 34 depends from Claim 33), and thus clearly minimal additional burden would be placed on the examiner.

Claims 23, 25, 32, 33, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ali-Vehmas et al. (U.S. Patent No. 6,035,189) in view of Morrill, Jr. (U.S. Patent No. 5,991,749). For the reasons discussed below, the Applicant traverses the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because the references, either when taken singularly or in combination, do not teach or suggest all of the claim limitations.

Claim 32 of the present application recites a method for selling products over a mobile radio network, the mobile radio network including a plurality of participants and being coupled to a sales module. The method comprises, among other features, broadcasting offer information via the mobile radio network in accordance with a text messaging protocol to the plurality of participants in the mobile radio network, the offer information including an identification of the products and an identification of a vendor of the products, confirming by the sales module that an available number of the products is greater than zero, generating by the sales module, based on the confirming, a token exchangeable for the product, transmitting the token and the identification of the participant by the sales module to the vendor, transmitting the token by the sales module to the participant via the mobile radio network in accordance with the text messaging protocol, and adjusting the quantity information in the sales module based on the token.

The Ali-Vehmas et al. reference is cited for the teaching of broadcasting offer information via the mobile radio network in accordance with a text messaging protocol to the

plurality of participants in the mobile radio network, the offer information including an identification of the products and an identification of a vendor of the products, as recited in Claim 32 of the present application. The Applicant submits that the Ali-Vehmas et al. reference fails to teach or suggest such a feature, and the Morrill, Jr. reference fails to supplement this deficiency.

The Ali-Vehmas et al. reference describes a system in which a service provider (5) programs service functions in a switching center (1) of a telecommunication network and delivers to a user a program that is loaded in the user's terminal (3). The program is delivered to the user by loading it in an intelligent card (6) controlling the operation of the terminal. According to the loaded program, the terminal shows to the user the available services and the corresponding commands assigned to the function keys (8a) of the terminal. (See Abstract.) The Ali-Vehmas et al. reference does not disclose the broadcasting of offer information via the mobile radio network in accordance with a text messaging protocol to a plurality of participants in the manner recited in Claim 32 of the present application. No such broadcasting of offer information occurs in the Ali-Vehmas et al. reference, but merely the loading of a program onto an intelligent card (6) of an individual user.

Furthermore, the Morrill, Jr. reference does not disclose or suggest any type of broadcasting of offer information, as recited in Claim 32.

Accordingly, for at least this reason, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claim 32.

Additionally, the Official Action cites the Morrill, Jr. reference for the teaching of the token and the manner in which the token is exchanged and used in Claim 32 of the present application. The Applicant submits that the Morrill, Jr. reference fails to teach or suggest such a feature, and the Ali-Vehmas et al. reference fails to supplement this deficiency.

The Morrill, Jr. reference describes a system in which when a transaction is performed, a confirmation/authorization number/message is displayed, and the user has the ability to request such information be sent to the vendor. In the present invention, the token is generated based on confirmation that the available number of products is greater than zero. No such token is disclosed in the Morrill, Jr. reference. Also, in the present invention, the quantity information in the sales module is adjusted based on the token. Again, no such teaching is present in the Morrill, Jr. reference.

Furthermore, the Ali-Vehmas et al. does not disclose or suggest any type of token as recited in Claim 32, and therefore does not supplement the deficiencies in the teachings of the Morrill, Jr. reference regarding this feature.

Accordingly, for at least this reason, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claim 32.

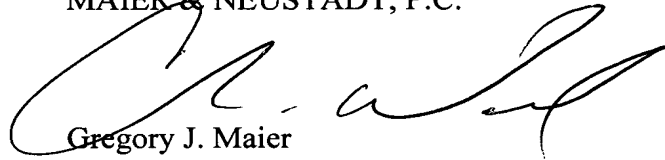
The dependent claims are considered allowable for the reasons advanced for Claim 32 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 32.

Application Serial No.: 09/720,523  
Reply to Office Action dated January 17, 2006

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Christopher D. Ward  
Registration No. 41,367

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/01)

GJM:CDW:brf

I:\atty\cdw\23xxxx\236088US6 PCT\am1.doc